

REMARKS/ARGUMENTS

Claims 1-18, 46 and 74-98 are pending. Claims 19-45 and 47-73 are canceled without prejudice. Claims 1-18 and 46 are currently amended (as discussed below). Claims 74-98 are added. Claims 74 and 75 find support in original claim 1. Claims 76 and 77 find support in original claim 2. Claims 78 and 79 find support in original claim 3. Claims 80 and 81 find support in original claim 4. Claim 82 finds support in original claim 6. Claim 83 finds support in original claim 7. Claims 84 and 85 find support in original claim 9. Claims 86 and 87 find support in original claim 10. Claims 88 and 89 find support in original claim 11. Claims 90-94 find support in original claims 12, 13, 15, 16 and 17 respectively. Claims 95-98 find support in original claim 15. No new matter has been entered.

**Claim Rejections - 35 U.S.C. § 101**

Claims 20-73 are rejected for being improper “use claims”. All of these claims except claim 46 are currently canceled. Claim 46 is a proper composition claim, therefore this rejection does not apply. Accordingly, the §101 rejections have been obviated.

**Claim Rejections - 35 U.S.C. § 112 (2<sup>nd</sup> paragraph)**

Claims 18 and 19 are rejected for the use of the indefinite term “medicament”. Claim 18 is currently amended to incorporate the phrase “pharmaceutical composition” instead of “medicament”, as suggested by the Examiner. Claim 19 has been canceled.

Claims 18 and 19 are also rejected for indefiniteness with reference to dosage limitations. Claim 18 is currently amended to incorporate the phrase “therapeutically effective amount” as suggested by the Examiner. Claim 19 has been canceled.

Accordingly, the §112, second paragraph, rejections have been obviated.

**Claim Rejections - 35 U.S.C. § 112 (1<sup>st</sup> paragraph)**

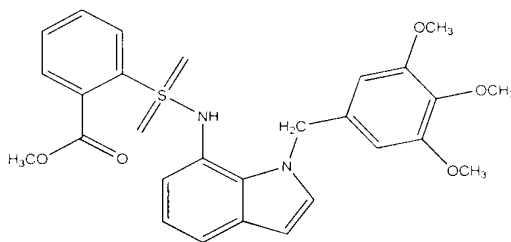
Claims 1-73 are rejected for lack of enablement in connection with the solvates and/or hydrates of the claimed compounds. Claims 1, 8, 9 and 14 are currently amended to remove reference to solvates and/or hydrates.

Claims 20-73 are rejected for lack of enablement in connection with the prevention/prophylaxis and treatment of diseases. All of these claims except claim 46 are currently canceled. Claim 46 is a proper composition claim, therefore this rejection does not apply.

Accordingly, the §112, first paragraph, rejections have been obviated.

**Claim Rejections - 35 U.S.C. § 102(b)**

Claims 1-7 are rejected as being anticipated by *Laconde*. *Laconde* discloses “Structure A” (pg 90 - Scheme 1) and Examiner Rahmani cites a derivative of Structure A as anticipatory; namely “benzoic acid, 2-[[[1-[(3,4,5-trimethoxyphenyl)methyl]-1H-indol-7-yl]amino]sulfonyl]-, methyl ester” (reproduced below - Office Action pg 12).



Upon comparison, one would consider the 3,4,5-trimethoxyphenyl moiety of *Laconde* to correspond to Applicants' R1 group of Formula 1a in Claim 1. However, it should be noted that Applicants' R1 is a -NR<sup>8</sup>R<sup>9</sup> radical or an optionally substituted cycloaliphatic radical, wherein R<sup>8</sup> and R<sup>9</sup> are hydrogen or an optionally substituted, linear or branched, aliphatic radical (with further provisos in Claim 1). Therefore, the aromatic phenyl moiety of *Laconde* cannot and does not anticipate (1) the optionally substituted (non-aromatic) cycloaliphatic

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radical, (2) hydrogen, or (3) the optionally substituted, linear or branched, aliphatic radical of Applicants' R1.

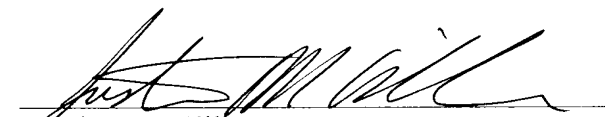
### **Conclusion**

For the reasons discussed above, Applicants submit that all now-pending claims are in condition for allowance. Applicants respectfully request the withdrawal of the rejections and passage of this case to issue.

Lastly, Applicants are submitting herewith a declaration under 37 C.F.R. §1.132 including further experimental 5-HT<sub>6</sub> receptor affinity data.

Respectfully submitted,

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